

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

SHIRLEY WRUBEL, AS TRUSTEE OF
THE SARA HOLLANDER
IRREVOCABLE LIFE INSURANCE
TRUST

Plaintiff,

v.

JOHN HANCOCK LIFE INSURANCE
COMPANY

Defendant.

CIVIL ACTION NO: 11-cv-01873 (DLI) (LB)

JOINT RULE 26(f) JOINT DISCOVERY PLAN

JOINT RULE 26(f) REPORT AND PROPOSED ORDER

Plaintiff Shirley Wrubel, as Trustee of the Sara Hollander Irrevocable Life Insurance Trust and Defendant John Hancock Life Insurance Company (collectively the “Parties”), submit this Joint Rule 26(f) Report and attached Proposed Scheduling Order in accordance with the Court’s July 12, 2011 Order, and Federal Rule of Civil Procedure 26(f). The Parties initially conferred via telephone on August 16, 2011. And a final proposed Discovery Plan was agreed to on August 22, 2011. The Parties agree on each of the items in the proposed schedule annexed hereto.

Dated: New York, New York
August 23, 2011

Respectfully submitted,

SCHINDEL, FARMAN, LIPSIOUS,
GARDNER & RABINOVICH LLP

KELLEY DRYE & WARREN LLP

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INITIAL CONFERENCE QUESTIONNAIRE

CASE NAME: Shirley Wrubel, as Trustee of the Sara Hollander Irrevocable Life Insurance Trust vs. Defendant John Hancock Life Insurance Company

DOCKET NO.: 11-cv-01873 (DLI) (LB)

1. Date for completion of automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, if not yet made: August 23, 2011
2. If additional interrogatories beyond the 25 permitted under Rule 33(a) of the Federal Rules of Civil Procedure are needed, the maximum number by:
plaintiff(s) No and defendant(s) No
3. Maximum number of requests for admission by: Plaintiff(s) 20 and Defendant(s) 20
4. Number of depositions by Plaintiff(s) of: parties 4-6 non-parties 1-2
5. Number of depositions by Defendant(s) of: parties 1 non-parties 2-3
6. Time limits for depositions: 7 Hours
7. Date for completion of factual discovery: January 31, 2012
8. Number of expert witnesses of Plaintiff(s): medical 2 non-medical
Date for expert report(s): March 30, 2012
9. Number of expert witnesses of Defendant(s): medical 1 non-medical
Date for expert report(s): March 30, 2012
10. Date for completion of expert discovery: May 18, 2012
11. Time for amendment of the pleadings by Plaintiff(s) October 31, 2011 or by
defendant(s) November 30, 2011
12. Number of proposed additional parties to be joined by Plaintiff(s) and by
Defendant(s) and time for completion of joinder: September 30, 2011
13. Types of contemplated dispositive motions:

Plaintiff: Motion for summary judgment on the grounds that the application was not signed or attached to the policy when delivered. Motion for summary judgment on the grounds that the representations were accurate and/or non-material. Motion for summary judgment on the claim for failure to cooperate.

Defendant: Motion for summary judgment pursuant to Fed. R. Civ. Proc. 56 on the grounds, *inter alia*, that the Plaintiff misrepresented her net worth on her applications for life insurance.

14. Dates for filing contemplated dispositive motions: Plaintiff: June 15, 2012
Defendant: June 15, 2012
15. Does any party object to having this case included in the **Court's Electronic Case Filing Program**? X No objection ____ Objection by __ plaintiff __ defendant
16. Will the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. §636(c)? (Answer no if any party declines to consent without indicating which party has declined.)
Yes ____ No X
17. This case should be ordered to arbitration at the close of discovery No (yes/no)
This case should be ordered to mediation (now or at a later date) mid-February 2012 (yes/no)

(Prior to the Initial Conference, counsel shall discuss with their clients and their adversaries whether arbitration or mediation is appropriate in this case and be prepared to explain their reasons to the court)